

**MINUTES OF LAYTON CITY  
COUNCIL MEETING**

**MAY 21, 2015; 7:06 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

**MAYOR PRO TEM JOYCE BROWN, TOM DAY,  
JORY FRANCIS, SCOTT FREITAG AND JOY  
PETRO**

**ABSENT:**

**MAYOR BOB STEVENSON**

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, DEAN HUNT,  
DOUG BITTON, TERRY COBURN, PETER  
MATSON AND TORI CAMPBELL**

**The meeting was held in the Council Chambers of the Layton City Center.**

Mayor Pro Tem Brown opened the meeting and excused Mayor Stevenson. She led the Pledge of Allegiance. Councilmember Freitag gave the invocation. Scouts and students were welcomed.

**MINUTES:**

**MOTION:** Councilmember Freitag moved and Councilmember Day seconded to approve the minutes of:

**Layton City Council Strategic Planning Work Meeting – April 23, 2015.**

The vote was unanimous to approve the minutes as written.

**MUNICIPAL EVENT ANNOUNCEMENTS:**

Mayor Pro Tem Brown indicated that the Family Recreation golf activity had been cancelled because of the rain.

Mayor Pro Tem Brown said May 30th would be the start of the “G.O. ‘n Play” program. She said this program involved elementary age children. Mayor Pro Tem Brown said you could find more information about these activities on the City’s website.

Mayor Pro-Tem Brown indicated that the City needed nominations for Hometown Hero.

**PRESENTATIONS:**

**FIRE CORPS**

Dean Hunt, Fire Marshal, presented information about the Fire Corps. He indicated that the City’s program had been nationally recognized. Dean introduced recent graduates of the program. The graduates came forward to receive their certificates and to shake hands with the Council.

**CITIZEN COMMENTS:**

Daniella Harding, 1506 East 2050 North, said she understood that the preliminary plat approval for the Eastridge Park Estates PRUD was granted at the last Council meeting, which she was not able to attend. She said after a meeting with the Mayor on May 4th, there were two questions she had. Ms. Harding wanted to know what the timeline was for final approval and once final approval was completed, how soon would building start. She mentioned vibration and tilt monitoring on homes within 100 feet of construction. Ms. Harding said the developer agreed to provide this on some of the homes, but indicated that the burden of proof was the responsibility of the homeowner. She said the developer encouraged the homeowners to film

their homes now and make notes of any cracks so that they had proof when construction started if there was additional damage. Ms. Harding said before final approval was granted, as a condition, they would like all of the homeowners in the Hidden Hollow Subdivision and surrounding areas to be notified, by e-mail or letter, that they needed to do this in order to protect their asset.

Cerrie Erickson, 1771 North 2525 East, expressed concerns with Jade Helm, and the City's proximity to Hill AFB. She said troops would be coming between July 15th and September 15th for military exercises. She wondered exactly who they were and what they would be doing. Ms. Erickson mentioned some of the comments she had read on the internet.

Councilmember Petro said she was in a meeting where this was mentioned. She said she understood that it would be tactical training that would take place in the west desert for three days. Councilmember Petro said the City could contact the Base and obtain additional information.

Ms. Erickson said there was information on the internet declaring Utah as a hostile environment.

Councilmember Freitag said for the purposes of the drill, they state that certain areas are hostile where they are doing the drill. He said it didn't mean they were saying Utah was a hostile environment.

Mayor Pro Tem Brown said answers would need to come from the Air Force; they didn't have to consult the City when they did something on the Base. She said Ms. Erickson could be contacted if the City received any information.

Councilmember Freitag suggested that Ms. Erickson not believe everything she read on the internet.

Discussion suggested that the City would put any information it received on this matter on the City's website.

#### **CONSENT AGENDA:**

#### **ADOPTION OF WASTEWATER MASTER PLAN – RESOLUTION 15-31**

Terry Coburn, Public Works Director, said Resolution 15-31 authorized the review and adoption of the Wastewater Master Plan. Terry said this portion of the Sewer Master Plan, also designated as the System Evaluation and Capacity Assurance Plan (SECAP), had been prepared by Bowen Collins and Associates, and had been reviewed and approved by the Layton City Engineering Staff. He said the SECAP was a written document that provided recommended improvements to resolve existing and projected future deficiencies in the wastewater collection system based on the City's current General Plan. Terry said Staff recommended approval.

#### **BID AWARD – AAA EXCAVATION, INC. – ASPEN HEIGHTS STORM DRAIN PROJECT – RESOLUTION 15-32**

Terry Coburn said Resolution 15-32 authorized the execution of an agreement with AAA Excavation for the Aspen Heights storm drain project. He said the project included the construction of approximately 1,800 lineal feet of 15-inch storm drain pipe and other items in the area of 1150 East and Snow Creek Drive. Terry said the project would improve collection of storm water and also provide a release point for a new development, thereby helping to mitigate deterioration and reduce roadway runoff during storm events. He said seven bids were received with AAA Excavation submitting the lowest responsive, responsible bid of \$322,253; the engineer's estimate was \$375,000. Terry said Staff recommended approval.

#### **BETTERMENT AGREEMENT WITH UTAH TRANSIT AUTHORITY (UTA) FOR THE GRADE CROSSING PEDESTRIAN CONTROLS PROJECT UPGRADES – RESOLUTION 15-33**

Terry Coburn said Resolution 15-33 authorized the execution of a betterment agreement with UTA for the

grade crossing pedestrian controls project upgrades. He said the agreement outlined the provisions of the betterment work that Layton City had requested of UTA as described in Exhibit A of the agreement. Terry said, subject to the attached provisions, UTA would install pedestrian grade crossing safety treatments at sidewalk crossings on King Street and Hill Field Road. He said total reimbursement to UTA by the City would be \$91,900. Terry said Staff recommended approval.

**FINAL PLAT – WILLOW RIDGE SUBDIVISION, PHASE 1 – APPROXIMATELY 3500 WEST HILL FIELD ROAD**

Peter Matson, City Planner, said this was final plat approval for the Willow Ridge Subdivision, Phase 1, located at approximately 3500 West Hill Field Road. He displayed a map of the proposed subdivision. Peter said the entire subdivision would continue along the north side of Hill Field Road and would include extension of the improvements of Hill Field Road to Bluff Ridge Blvd., including the intersection at Bluff Ridge Blvd. He said the proposed plat had 21 lots and met the density requirements of the zone and the lot averaging provisions of the City's zoning ordinance for the R-S zone. Peter said landscape buffers would be required along the rear property lines of the homes that would back onto Hill Field Road and Bluff Ridge Blvd. He said the Planning Commission recommended approval and Staff supported that recommendation.

**MOTION:** Councilmember Freitag moved to approve the Consent Agenda as presented. Councilmember Petro seconded the motion, which passed unanimously.

**PUBLIC HEARINGS:**

**REZONE REQUEST – FLINT/VAN DRIMMELEN – A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) – APPROXIMATELY 2300 WEST GENTILE STREET – ORDINANCE 15-13**

Peter Matson said this was a rezone proposal for property located at approximately 2300 West Gentile Street. He said the property was presently zoned agriculture and the proposed zoning was R-S, which was a residential zone with a minimum lot size of 15,000 square feet. Peter said however, like a majority of the subdivisions developing in the R-S zone in the west Layton area, the developer would likely be pursuing the lot averaging provisions where some of the lots could be smaller than 15,000 square feet that would be offset by larger lots in the project. He said the applicant was Castle Creek Homes. The rezone area contained 9.78 acres with frontage on Gentile Street. Peter said the western edge of the rezone area was bordered by the larger portion of the Rocky Mountain Power transmission lines; the eastern boundary was established by a smaller set of power line towers.

Peter said originally the applicant was looking at rezoning a larger area that totaled over 15 acres, but had since reduced the request to the 9.78 acres. He said the balance of the property would likely come back to the Council for rezoning in the future. Peter said the General Plan recommendation for this area of the City was low density single family residential with 0 to 3 dwelling units per acre; this proposal met that recommendation. Peter said the Planning Commission recommended approval and Staff supported that recommendation.

**Mayor Pro Tem Brown opened the meeting for public input.** None was given.

**MOTION:** Councilmember Freitag moved to close the public hearing and approve the rezone request as presented, Ordinance 15-13. Councilmember Francis seconded the motion, which passed unanimously.

**REZONE REQUEST – STEWART/UPDWELL DEVELOPMENT – R-S (RESIDENTIAL SUBURBAN) TO R-1-6 – 191 EAST PHILLIPS STREET – ORDINANCE 15-14**

Peter Matson said this was a rezone request for 2.31 acres of land located on the north side of Phillips Street adjacent to the Kaysville City boundary. Peter displayed a map of the area and indicated that there was R-S zoning to the north, and R-1-8 zoning surrounded the majority of the property. He said there was R-1-6

zoning along Phillips Street and further to the east. Peter said Camping World was located to the south. He said the City boundary ran down the center of Phillips Street.

Peter said the General Plan recommendation for this area was single family residential with a density range of 3 to 6 dwelling units per acre. He said the R-1-8 and R-1-6 zoning district were typically found in this area. Peter said directly to the north of the property was a one-lot subdivision zoned R-S, and 975 South with a previously developed cul-de-sac to access the R-S property abutted the northwest corner of this property. He said in the dedication plat for that one-lot subdivision there was a dedication of a street that abutted the rezone area with a frontage of approximately 70 feet.

Peter said during the Planning Commission meeting review of this proposal, the Planning Commission reviewed alternatives with the residents to the proposed R-1-6 zone. He said there was no proposed layout of a subdivision at this time. Peter said on April 28th, with a vote of 5 to 1, the Planning Commission recommended that the Council not adopt Ordinance 15-14 and deny the rezone request from R-S to R-1-6. He said Staff did not support that recommendation and believed that the R-1-6 zoning designation was consistent with the General Plan, and was an alternative that would allow the property as an infill project to provide consistent and similar housing to what existed in the area, and would help fill in the neighborhood in a positive manner.

Peter said in the Engineer's report, it was noted that utilities were available in Phillips Street but that storm water and sanitary sewer flowed in a southwesterly direction. He said regardless of the configuration of the development on the property, onsite detention for storm water would be necessary.

Peter reiterated that the Planning Commission recommended denial of this rezone and Staff did not support that recommendation for the reasons previously stated.

Councilmember Day asked the length of the frontage on Phillips Street, and the location of the detention basin.

Peter said the frontage was a distance of about 180 feet and the detention basin would probably need to be located in the southwest corner.

#### **Mayor Pro Tem Brown opened the meeting for public input.**

Jerry Madsen, 135 East 975 South, said the development did not agree with the General Plan; it would lower existing home values. The location of the detention basin to the south would force the homes to be closer together on the northern portion of the property. In roughly May 1994 the minutes stated that the stub road at 975 South would remain a cul-de-sac. He read from the minutes that Kem Weaver had emailed to him. Mr. Madsen said he didn't think this proposal was good for the City or their neighborhood.

Mr. Madsen wondered where Ordinance 15-14 could be found.

Gary Crane, City Attorney, explained how ordinances were adopted and then added to Code. He said it was a drafting tool, which after adoption would be placed in the Zoning Code.

Councilmember Francis asked Mr. Madsen if an R-1-8 zone would be more acceptable.

Mr. Madsen said he didn't like the R-1-6 zone or a PRUD. He said he couldn't argue against an R-1-8 zone because most of the property surrounding this property was zoned R-1-8.

Steve Pellicano, 137 Phillips Street, said he owned the largest R-S zoned property in the area. He expressed concerns with the condition of Phillips Street. Mr. Pellicano said the road couldn't handle the additional traffic from the proposed development. He said it would decrease his property value if the zoning was R-1-6. Mr. Pellicano said he didn't agree with six homes per acre.

Michelle Madsen, 135 East 975 South, said her home was located to the north of the proposed rezone property. Ms. Madsen said when they built their home they had to pay for the road and curb and gutter. She said they were told that if this property ever developed they would have to help pay for the road; was that still true.

Gary said typically there would be an agreement at the time they developed outlining those things. He said the City would have to see if an agreement was done at that time for the road. Gary said if there was an agreement, they would be paid back.

Ms. Madsen said they had considered selling part of their acre for development, but right now it was landlocked. She asked if they would have an opportunity to sell their property.

Alex Jensen, City Manager, said it would depend on the specifics of what was being proposed. He said there were some provisions in the Code that allowed for flag lots. Alex said the specifics of the property and proposal would have to be evaluated.

Ms. Madsen said they tried to do a flag lot when they developed, but there was a home built on a right of way. She said the flag lot was denied. Ms. Madsen said they had a rough time building their home.

Alex said there were certain restrictions with regard to the construction of flag lots. He said if the Madsens had an interest in doing that, he would suggest that they meet with Staff to review their options.

Laurell Martinez, 103 Phillips Street, said they had lived in this great City for almost 40 years. She said the majority of the lots on the Layton side of the street were .22 acres and the homes were built in the 1950s; they were very small rambler homes. Ms. Martinez said they were not concerned with home values but with quality of life. She asked how many homes per acre there would be with the proposed R-1-6 zone.

Peter said the R-1-6 zone would typically yield 4 ½ to 5 ½ homes per acre. He said that would be on a nice square piece of property.

Councilmember Francis asked what the R-1-8 zone would yield.

Peter said it would be 3.2 to 4 homes per acre.

Ms. Martinez said they understood that Layton was growing and this property would develop. They didn't want to deny people affordable housing, but quality of life had to be considered. She mentioned all the traffic on Phillips Street from surrounding neighborhoods and how the potholes were the only speed deterrent. Ms. Martinez expressed concerns for the safety of children walking on the street and there being no sidewalks. She said 12 additional houses was not acceptable.

Peter said because of how narrow the property was, it was difficult to determine how many homes would fit on the property. He said a public road versus a private road would also impact the number of homes.

Ms. Martinez said regardless of whether it was a private street or a public street, the traffic would still have to come down Phillips Street. She said that was her concern; the additional traffic.

Councilmember Petro asked Peter to clarify how many additional homes there would be with an R-1-6 zone versus an R-1-8 zone.

Peter said the difference would probably be 2 homes. He said the right of way for a public street was 55 feet and there wouldn't be room to put homes on either side of the street. Peter said the maximum number of lots allowed in the zones would not be able to be accomplished on this piece of property. He said the applicant could pursue a PRUD, which would add flexibility in design and could possibly yield 3 or 4 more homes in the R-1-6 zone.

Mark Oveson, 986 South 200 East, said his backyard touched part of the rezone area. He read part of the City's General Plan. Mr. Oveson identified his property on a map. He said he would like to see the R-1-8 zone on the property, which would be equivalent to lot sizes in the area.

Angie Wood, 163 Phillips Street, said she agreed with what had been said. She expressed concerns with the road never being repaired.

Guy Haskell, Updwell Development, said he was with the company proposing the rezone. He said he would agree with the comments about the road; it was in really bad shape. Mr. Haskell said most of the potholes were on the Kaysville side of the road, but maybe the City could encourage Kaysville to make some repairs. He said the General Plan called for 3 to 6 units per acre, which was either the R-1-8 or R-1-6 zone. Mr. Haskell said the property fronted onto Phillips Street and the majority of the properties on Phillips Street were R-1-6 properties. He said there was some R-1-8 off of Phillips Street. Mr. Haskell said they felt that the R-1-6 zone was consistent with the area and the City's General Plan.

Mr. Haskell said as a developer he had been in many situations where there was a dead end street like the cul-de-sac on 975 South. He said very often he had to put in a cul-de-sac like this for fire safety and a turnaround for vehicles. Mr. Haskell said the turnarounds had to be permanent because of safety issues. He identified the cul-de-sac on a map and explained that a small triangular piece of property on the south side of the cul-de-sac had been dedicated as part of the right of way, which led him to believe that the plan was for the road to go through. Mr. Haskell explained that if this was going to remain a permanent cul-de-sac there would have been no reason to dedicate that piece of property.

Mr. Haskell said in original meetings he had with City Staff, he was told that a design needed to include this road going through into his property. He said the designs he had been working with included the road connection per City Staff's request.

Mr. Haskell said his intent was to develop the property as soon as possible, once the rezone was in place. He said his plan was to develop single family homes with two car garages. Mr. Haskell said an evaluation by a realtor indicated that the price range of homes in the area was from \$129,900 to \$184,900. He said the realtor indicated that with new development the price point should be at \$200,000. Mr. Haskell said he didn't think he could hold to that price and anything developed on the property would be greater in value than the homes that had sold in the area within the past six months. He said there may be a few that were a little higher, but they would be R-S properties that had a lot more ground. Mr. Haskell said there wouldn't be any deterioration of property values; if anything it could pull values up a little bit.

Mr. Haskell said since he was limited on the price, a larger lot would require a much smaller house. He said part of the reason for the R-1-6 was to allow for smaller lots and larger homes, which he felt would increase the value of the neighborhood.

Councilmember Petro asked Mr. Haskell to share some of his conceptual ideas.

Mr. Haskell said they had done a couple of layouts with the R-1-6 and R-1-8 zones. He said his goal was to do a PRUD, which would allow for a reduced setback on a private street and accommodate homes on both sides of the street.

Mayor Pro Tem Brown asked how many lots that would accommodate.

Mr. Haskell said with a PRUD it would allow him to market to families where both adults worked outside of the home and didn't want a large yard to maintain. He said the front yards would be maintained through an HOA and there would be open space and a tot-lot.

Councilmember Petro said the rezone request this evening was for the R-1-6, but his true intention was for a PRUD.

Mr. Haskell said yes; he had asked if he could bring both concepts in together but was told that he could not. He said he was told that he had to get the rezone first. Mr. Haskell said he felt that the disconnect was that Staff didn't know he was looking for a PRUD when he called.

Councilmember Francis asked Gary to clarify that; did one have to precede the other.

Gary said one would have to precede the other, but they could both be considered at the same time.

Peter said Mr. Haskell's initial inquiries were if you could take the subdivision plat and the zoning through at the same time; there wasn't a discussion about a PRUD. He said the answer was that you couldn't do that; the zoning had to be in place before a plat could be done. Peter said he thought that Mr. Haskell's intent was to look at a PRUD, but the Staff Member that was helping Mr. Haskell didn't understand that at the time. He said a PRUD required a concept plan at the time of the rezone or overlay. Peter said if the underlying zoning wasn't in place, the rezone and overlay, along with the conceptual plan, could be done at the same time.

Gary said that was correct.

Angie Wood, 163 Phillips Street, said relative to the street, for years they were told that Layton City was responsible for half of the street and Kaysville or the County was responsible for the other half, and that was why nothing was ever done to repair the street. She said the City's Engineer had indicated that Layton City assumed responsibility for the entire road.

Alex asked Ms. Wood who she spoke with.

Ms. Wood said it was the Street Engineer.

Alex said they all worked for him and there would be someone down there tomorrow and the street would be addressed. He said the street was a separate issue from what was being discussed this evening, but the street would be addressed.

Steve Pellicano clarified issues with the road.

**MOTION:** Councilmember Petro moved to postpone a decision on the rezone and allow the developer time to address what he would really like to do, and perhaps include a development agreement.

Councilmember Freitag asked Gary Crane if this needed to be remanded back to the Planning Commission, if a PRUD was included with the proposal along with a development agreement.

Gary said that would be wise.

**SUBSTITUTE MOTION:** Councilmember Francis moved to deny the rezone request, Ordinance 15-13, in order that the developer could take it back to the Planning Commission with the PRUD overlay.

Gary said if a rezone was denied in the City, a re-application couldn't be made for a year. He said the developer would be prohibited from coming back with the R-1-6, with the PRUD, for one year.

**Councilmember Francis withdrew his substitute motion.**

Peter asked for clarification; was the R-1-6 PRUD different than the R-1-6 in terms of the developer returning for a rezone.

Gary said as was indicated earlier, with an R-1-6 PRUD, the developer would be required to bring in at least a conceptual plan of what he would like to do. He said if a development agreement was involved, those were usually brought in at the same time. Gary said one of the issues seemed to be what the development would look like. He said an R-1-6 might not work, but an R-1-6 PRUD might, and the developer hadn't brought in

anything to indicated what it might look like or how it might be restricted through a development agreement. Gary said he thought the question was could that be done; could it be taken back to the Planning Commission and see what it would look like with an R-1-6 PRUD zone, as opposed to a denial.

**SUBSTITUTE MOTION:** Councilmember Francis moved to close the public hearing and postpone the decision, remanding it back to the Planning Commission with the rezone request with the PRUD overlay.

Councilmember Petro asked if the road would be included with the conceptual plan.

Gary said yes.

**MOTION (continued):** Councilmember Freitag seconded the motion, which passed unanimously.

**DEVELOPMENT AGREEMENT AND REZONE REQUEST – BARLOW (SERVICE MORTGAGE CORP)/OVATION HOMES – A (AGRICULTURE) TO R-1-6 (SINGLE FAMILY RESIDENTIAL) – APPROXIMATELY 2100 E. OAKRIDGE DRIVE – RESOLUTION 15-11 AND ORDINANCE 15-06**

Peter Matson said Resolution 15-11 was a development agreement between Layton City and Service Mortgage Corporation, along with Ordinance 15-06 representing a rezone request for 5.38 acres from agriculture to R-1-6. He said the property was located on the south side of Oakridge Drive at approximately 2100 East. Peter identified the property on a map and indicated that the property had frontage on the south side of Oakridge Drive. He said the southern border of the property was adjacent to the proposed alignment of the extension of Gordon Avenue.

Peter said when the Planning Commission reviewed this, the proposal included a larger area of approximately 24 acres that included this 5.38 acres under the present proposal of R-1-6, along with property on the south side of the Gordon Avenue alignment to include some proposed zoning for an assisted living facility and some additional single family homes along the south side of the Gordon Avenue alignment.

Peter said the development agreement was a scaled down version of what was presented at the Planning Commission meeting because the proposal this evening only included the 5.38 acres. He said the owner's undertakings portion of the development agreement addressed on and off site utilities, land uses, housing types, and the details of what the homes would look like in the proposal.

Peter said the development agreement also indicated that the residential units would be single family only with a 30-foot height limit, and there would be no more than 18 single level homes on the property that would be similar to the homes constructed by Ovation Homes in the Cottages at Fairfield and the Cottages at Chapel Park developments, which were age targeted developments for empty nesters.

Peter said the development agreement also addressed the layout of the property with a public street connection from Oakridge Drive to the future Gordon Avenue extension. He said the street connection at Oakridge Drive was a fixed point. Peter said the developer also had to address the location of three pressurized petroleum pipelines that ran through the property. He displayed a conceptual drawing of the development.

Peter said there were some off-site extension requirements for sanitary sewer and storm drain that would come south of the property and extend west within the future Gordon Avenue right of way to existing facilities. He said the utilities would service the development of the subject property as well as future development to the east.

Peter said the Planning Commission reviewed this proposal on March 24, 2015. He said since that time the applicant and City Staff had looked at issues regarding the City's sensitive lands overlay map. Peter said a portion of the property in the original proposal was within the sensitive lands overlay with slopes between 10 and 20%. He said geotechnical reports and testing had been requested and was currently under review for that larger portion, but the developer was anxious to move forward with this portion of the property. He said

the Planning Commission recommendation was adoption of Resolution 15-11 for the development agreement and Ordinance 15-06 for the rezone from agriculture to R-1-6, with the development agreement keeping the density within the recommended range of 2 to 4 dwelling units per acre, and Staff supported that recommendation.

Mayor Pro Tem Brown asked who would have to build Gordon Avenue from where it currently ended to where this rezone was located.

Peter said given the way adjacent properties were situated and the ownership of property in the area, unless homes were constructed adjacent to the right of way to the south, the City would be developing the road. He said east of the development property would probably be a combination of development and the City to extend the road.

Mayor Pro Tem Brown said it seemed that traffic would either have to be funneled through this development from Gordon Avenue to Oakridge Drive, or the City would be completing Gordon Avenue sooner than anticipated.

Peter explained future planned connections to Gordon Avenue.

**Mayor Pro Tem Brown opened the meeting for public input.**

Debbie Worthen, 2322 East 1200 North, said the Planning Commission approved three separate zonings. She asked if the intent was to eventually do the assisted living facility and the other residential development.

Mayor Pro Tem Brown said that was what the developer would like to do, but they were told by the City that they would have to address the sensitive lands issues before that could move forward.

Ms. Worthen said since the Planning Commission had already approved that, would it only need to come back to the City Council for approval.

Gary Crane said yes; it would only come to the Council.

Councilmember Day asked if there was any time limit on that.

Gary said no.

Ms. Worthen asked if there was a time frame for additional development.

Mayor Pro Tem Brown said there would be another public hearing, similar to this evening, before they could move forward.

Ms. Worthen expressed concerns with zoning for an assisted living facility in this area relative to the City's General Plan.

Mayor Pro Tem Brown said this evening the discussion only had to do with rezoning the 5.38 acres; not the assisted living facility.

Mark Anderson, 2044 Oakridge Circle, said the R-1-6 zoning was not consistent with the intent and layout of the area. He mentioned other developments in the area that were larger than R-1-6. Mr. Anderson said he felt the intent of the General Plan was to create larger lots in this area; R-1-10 or R-S zoning would be consistent with the area.

Gerald Gilbert, 3117 East 1300 North, indicated that he was a member of the Planning Commission. He said he had concerns with the original proposal with multiple zones and the extension of Gordon Avenue. Mr. Gilbert said there were a number of concerns expressed with traffic going through this development onto

Oakridge Drive; he felt better with Gordon Avenue being extended to 2550 East and traffic flowing that direction away from the elementary school up to Cherry Lane to access Highway 89. He said this proposal was not what the Planning Commission reviewed.

Brad Frost with Ovation Homes complemented the City Staff. He said they had held some open houses and had met with residents in the area. Mr. Frost said they had taken a lot of comments into consideration. He said this was a tough piece of property to develop with all of the pipelines and such. Mr. Frost said this was part of what the Planning Commission reviewed, just not all of it. He said they were working to get additional information to the City for development of the remaining property.

Mr. Frost displayed conceptual drawings of the proposed development and homes. He said they were doing a similar development in Farmington and the homes were selling for \$400,000 to \$550,000. Mr. Frost displayed pictures of some of their existing subdivisions in Layton. He said all of their subdivisions brought value to the area. Mr. Frost said traffic from their age targeted subdivisions was 60% less than a typical subdivision. He indicated that the price of homes in their Fairfield subdivision was \$325,000 to \$330,000.

Mr. Frost said relative to densities, Oakridge Circle was 1.9 units per acre, but there was a large area where the lots slopped downward that was not developable. He said they were larger lots, but they were located on a hillside. Mr. Frost said on the 18 acres in the original rezone area they were proposing an average lot size of over 10,000 square feet. He said the R-1-6 zone gave them flexibility on front and rear setbacks, which helped them with the pipelines and public road. Mr. Frost said an R-1-10 PRUD allowed for 5.8 units per acre. He identified an adjacent neighborhood and indicated that the density was 2.8 units per acre; this density would be 3.3 units per acre. Mr. Frost identified another neighborhood in the area that had a density range of 3.3 units per acre, which was an R-1-10 zone. He said their proposed density was consistent with what was in the area.

Mr. Frost said if they were to match an R-1-10 PRUD zone they would have smaller, two story homes with higher density. He said they wanted to produce a product that neighbors could be proud of. They were single family homes so views were not obstructed. Mr. Frost asked that the Council approve the R-1-6 zone with the idea that the development agreement held them to have 1,800 square feet minimums, and it held them to have less than 4 units per acre, but they were willing to limit that to 3.3 units per acre to be consistent with surrounding neighborhoods.

Councilmember Petro said since this would be a public road, would the front lawns and landscaping still be put in as proposed.

Mr. Frost said there would be CC&R's in place with an HOA that would maintain the landscaping. He said in addition, in good faith they were extending over 1,000 feet of sanitary sewer to Gordon Avenue as well as 500 feet of storm sewer. Mr. Frost said they were hoping that there was some give and take.

Mayor Pro Tem Brown said in the earlier work meeting she addressed that some of the other Ovation Homes developments in the City were on infill areas. She said she lived by Peacefield Subdivision where there was a product similar to this, but were a little larger with basements. Mayor Pro Tem Brown asked Mr. Frost if they had considered doing something that was a little more upscale in this area than in their other subdivisions in Layton.

Mr. Frost said it would be upscale. He said they did a subdivision off of Fairfield Road that had 30 lots; they had 121 people on reservation for 30 lots. Mr. Frost said there were a lot of folks that lived here that wanted to live in east Layton. He said these would be \$300,000 to \$400,000 homes. Mr. Frost said Peacefield was different in that they didn't have fenced yards and there was open space. He said people wanted their own backyard, but they didn't want a huge backyard. Mr. Frost said there was a huge market for this product; they wanted their privacy with a backyard; and they wanted a home without a basement. He said the Peacefield homes were not as big as their homes on the main floor. Mr. Frost said in all the years he had been building this product, he had sold two with basements. He said with a basement there would be a loss of 200 square feet for stairs that they didn't use. Mr. Frost said this would be an upscale product from their other

developments.

Councilmember Freitag said currently in the development agreement, there wasn't a maximum number of units per acre.

Peter said there was a maximum number of total units at 18.

Dave Griffin, 2070 Oakridge Circle, said he didn't think this proposal was consistent with the City's Master Plan. He said the City didn't need any more old people homes.

Councilmember Petro asked if this would be an age restriction development.

Mr. Frost said there was a requirement in the restrictive covenants that if there were two bedrooms it allowed for three people, if there were three bedrooms it allowed for four people. He said in their experience over 15 years, most of their clients were 50 to 55 years old. Occasionally there was someone younger with health issues that wanted to be on one level, but generally they were over 50. Mr. Frost said it would be difficult to say that you didn't want older people living in an area.

Bob Haywood, 2521 East 50 South, said he would like to move into this development. He said he had lived in the area for over 40 years. Mr. Haywood said he would like to downsize now that his children were gone. He said it was important for them to stay in this area and maintain the quality of life they were accustomed to. Mr. Haywood said comments about deteriorating property values were not a reality. He said hopefully he would be able to get into this development and stay in the Kaysville/Layton area.

Councilmember Freitag asked Mr. Gilbert, in his mind, what was different with this proposal over what the Planning Commission approved.

Mr. Gilbert said his concern was the extension of Gordon Avenue. He said the plan they saw showed the extension of Gordon Avenue with a connection to 2550 East.

Councilmember Freitag said by not doing the entire project that was reviewed by the Planning Commission, that portion of Gordon Avenue didn't get developed; was that his concern.

Mr. Gilbert said yes; he was sold on the project mainly because of the extension of Gordon Avenue being completed below this development and across the street to the retirement home.

**MOTION:** Councilmember Francis moved to close the public hearing and approve the development agreement and rezone request as presented, Resolution 15-11 and Ordinance 15-06. Councilmember Petro seconded the motion. Councilmembers Francis, Petro and Freitag voted yea; Councilmember Day voted nay; the motion carried.

**The meeting adjourned at 9:18 p.m.**

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Thieda Wellman, City Recorder